



Navy Aegis Cruiser and Destroyer Modernization: Background and Issues for Congress

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Summary

The Navy has begun a program modernize its 84 existing Aegis cruisers and destroyers over a period of more than 20 years. The program's estimated total cost is about \$16.6 billion in constant FY2010 dollars. The Navy's proposed FY2010 budget requests \$674.8 million in funding for Aegis ship modernization. The modernizations are intended to ensure that the ships can be operated cost-effectively throughout their entire 35-year intended service lives. The program poses several potential oversight issues for Congress, including the issue of which shipyards should perform the work, and how the modernization program fits into the Navy's larger plans for the future of its surface combatant force.

The explanatory statement for the final version of the FY2010 DOD appropriations act (H.R. 3326/P.L. 111-118 of December 19, 2009) reduces by \$1.2 million the Navy's FY2010 request for \$315.3 million in Other Procurement, Navy (OPN) funding for Aegis cruiser modernization and increases by \$2.5 million the Navy's FY2010 request for \$142.3 million in OPN funding for Aegis destroyer modernization.

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Introduction

The Navy has begun a program modernize its 84 existing Aegis cruisers and destroyers over a period of more than 20 years. The program's estimated total cost is about \$16.6 billion in constant FY2010 dollars. The Navy's proposed FY2010 budget requests \$674.8 million in funding for Aegis ship modernization. The modernizations are intended to ensure that the ships can be operated cost-effectively throughout their entire 35-year intended service lives. The program poses several potential oversight issues for Congress, including the issue of which shipyards should perform the work, and how the modernization program fits into the Navy's larger plans for the future of its surface combatant force.

Background

Aegis Cruisers and Destroyers

The Navy's existing cruisers and destroyers are called Aegis ships because they are all equipped with the Aegis combat system—an integrated combination of sensors, weapons, computers, software, and display systems that was named for the mythological shield carried by Zeus. Aegis cruisers and destroyers are multi-mission platforms capable of conducting missions such as air defense (which the Navy calls anti-air warfare), ballistic missile defense (BMD), anti-submarine warfare, anti-surface warfare, naval surface fire support for forces ashore, and Tomahawk cruise missile strikes.

The Navy's Aegis ships include Ticonderoga (CG-47) class cruisers and Arleigh Burke (DDG-51) class destroyers. A total of 27 CG-47s were procured for the Navy between FY1978 and FY1988; the ships entered service between 1983 and 1994. The first five, which were built to an earlier technical standard, were judged by the Navy to be too expensive to modernize and were removed from service in 2004-2005. The Navy plans to keep the remaining 22 ships in service to age 35.

A total of 62 DDG-51s were procured for the Navy between FY1985 and FY2005; the first entered service in 1991, 54 were in service as of the end of FY2008, and the 62nd is scheduled to enter service in 2011. The Navy until recently had planned to keep them in service to age 35, but is now considering extending their service lives to 40 years.

Although procurement of DDG-51s ended in FY2005, the Navy wants to restart DDG-51 procurement. The first DDG-51 to be procured under the restart, which would be the 63rd DDG-51 overall, is to be procured in FY2010 and would enter service in 2016 or 2017. The resumption of DDG-51 procurement is discussed in detail in another CRS report.¹

The 84 in-service or under-construction Aegis ships funded in FY2005 and prior years equate to about 27% of the Navy's planned total force of 313 ships.² (Additional DDG-51s funded in

¹ CRS Report RL32109, *Navy DDG-51 and DDG-1000 Destroyer Programs: Background and Issues for Congress*, by Ronald O'Rourke.

² For more on the Navy's planned 313-ship fleet, see CRS Report RL32665, *Navy Force Structure and Shipbuilding Plans: Background and Issues for Congress*, by Ronald O'Rourke.

FY2010 and subsequent years will increase this percentage.) The last of the 84 ships funded in FY2005 and prior years are to remain in service into the 2040s.

Aegis Ship Industrial Base

Construction Shipyards

The builders of the Navy's Aegis ships are General Dynamics' Bath Iron Works (GD/BIW) of Bath, ME, and the Ingalls shipyard of Pascagoula, MS, which forms part of Northrop Grumman Shipbuilding (NGSB). Of the 84 in-service or under construction Aegis ships funded in FY2005 and prior years, GD/BIW built or is building 41 (7 cruisers and 34 destroyers), and Ingalls built or is building 43 (15 cruisers and 28 destroyers). Building surface combatants is GD/BIW's primary business. Ingalls builds both surface combatants and large-deck amphibious assault ships.

Overhaul and Repair Shipyards

Several U.S. shipyards maintain and repair Aegis ships, with much of the work done under multi-ship/multi-option (MSMO) contracts. Under a MSMO contract, a shipyard is responsible for conducting depot-level maintenance work on several ships in a class.

Combat System Manufacturers

The primary contractor for the Aegis system is Lockheed Martin's Maritime Systems & Sensors division of Moorestown, NJ. Lockheed and the firms that previously owned the Moorestown facility have been the primary Aegis contractor since the 1970s. Other makers of Navy surface ship combat systems include Raytheon, the maker of, among other things, the combat system for the Navy's new DDG-1000 class destroyers, and General Dynamics, the maker of the combat system for the General Dynamics version of the Littoral Combat Ship (LCS).³ Although Lockheed is the primary contractor for the Aegis system, Raytheon has a share of the system.

Purpose of Aegis Ship Modernization Effort

A primary objective of the Aegis ship modernization effort is to improve the ships' combat capabilities so that the ships will remain mission-effective to the end of their intended service lives. A second major objective is to make the ships less expensive to operate, maintain, and modernize over the remainder of their lives. The modernization itself is not intended to extend the ships' expected lives from 35 years to some higher figure, such as 40 years. Additional maintenance work would be needed to extend the ships' lives to 40 years or some other higher figure.

³ For more on the DDG-1000 and LCS programs program, see CRS Report RL32109, *Navy DDG-51 and DDG-1000 Destroyer Programs: Background and Issues for Congress*, by Ronald O'Rourke, and CRS Report RL33741, *Navy Littoral Combat Ship (LCS) Program: Background, Issues, and Options for Congress*, by Ronald O'Rourke.

Planned Modernization Work

The Navy's Aegis ship modernization plan includes modernization of the ships' basic hull, mechanical, and electrical (HM&E) equipment, and modernization of their combat systems. In both areas, the Navy plans to install new systems or components that are more capable than the ones they are to replace. Some of the planned changes are intended to permit the ships to be operated with a smaller crew, thereby reducing their annual operation and support (O&S) costs. Planned changes to the ships' combat systems are intended to, among other things, begin shifting their Aegis computers and software to a more open architecture (OA), meaning, in general terms, an arrangement that uses non-proprietary computers and software. The Navy believes that moving Aegis to an OA design will permit the Aegis system to be updated over the remainder of the ships' lives more easily and less expensively, using contributions from a variety of firms.

In August 2008, it was reported that the Navy had decided to expand the scope of the DDG-51 modernization program to include the installation of a BMD capability, so that all DDG-51s would eventually be BMD-capable, and that the Navy had not committed to similarly expanding the scope of the CG-47 modernization program due to financial constraints.⁴ Equipping all DDG-51s with a BMD capability would significantly expand the previous program of record for sea-based BMD platforms, which called for a total of 18 Aegis ships (3 CG-47s and 15 DDG-51s) to be BMD-capable.⁵

Cost

In constant FY2010 dollars, the Navy estimates the average cost of each cruiser modernization at about \$220 million per ship, and the average cost of each destroyer modernization at about \$190 million per ship.⁶ On this basis, a program for modernizing 22 cruisers and 62 destroyers would have a total estimated cost of about \$16.6 billion in constant FY2010 dollars.

FY2010 Funding Request

As shown in **Table 1**, the Navy's proposed FY2010 budget requested \$674.8 million in funding for Aegis ship modernization. The funding is for:

- the fourth and fifth cruiser modernization shipyard availabilities,
- long lead-time procurement of equipment for the modernization of three cruisers,
- the first and second destroyer modernization shipyard availabilities, and
- long lead-time procurement of equipment for the backfit modernization of three destroyers, including hardware and software to upgrade the ballistic missile defense capability of one destroyer.⁷

⁴ Otto Kreisher, "BMD Boost," *Seapower*, August 2008: 12-14.

⁵ For more on sea-based BMD programs, see CRS Report RL33745, *Sea-Based Ballistic Missile Defense—Background and Issues for Congress*, by Ronald O'Rourke.

⁶ Source: Telephone conversation with Navy Office of Legislative Affairs, May 29, 2009.

⁷ Department of the Navy, *Highlights of the Department of the Navy FY 2010 Budget*, May 2009, pp. 5-4 and 5-5.

Table 1. FY2008-FY2010 Funding for Aegis Ship Modernization

Dollars figures in millions

Item	FY2008	FY2009	FY2010 (request)
Cruiser modernization			
Ship quantity	1	2	2
OPN ^a	216.0	165.2	315.3
WPN ^b	23.4	30.0	51.2
RDT&EN ^c	4.6	4.7	4.7
OMN ^d	98.5	109.9	114.7
Subtotal cruiser funding	342.5	309.8	485.9
Destroyer modernization			
Quantity	0	0	2
OPN ^e	52.7	165.0	142.3
RDT&EN ^f	0	0	3.7
OMN ^g	12.0	2.0	2.0
OMN ^h	8.8	37.7	40.9
Subtotal destroyer funding	73.5	204.7	188.9
TOTAL cruiser and destroyer funding	416.0	514.5	674.8

Source: Navy briefings to CRS and CBO on Aegis cruiser and destroyer modernization, June 10, 2009.

Notes: OPN is Other Procurement, Navy account; WPN is Weapon Procurement, Navy account, RDT&EN is Research, Development, Test and Evaluation, Navy account, OMN is Operations and Maintenance, Navy account.

- a. OPN, P-I book, line 15, CG Modernization, 0204162N/0960.
- b. WPN, P-I book, line 33, CG Modernization, 0204221N/4223.
- c. RDT&EN, R-I book, line 113, Ship Contract Design, PE0604567N/Project 1803.
- d. OMN, 1B5B, CG Modernization, 0204221N.
- e. OPN, P-I book, line 6, DDG Modernization, 0204228N/0900.
- f. RDE&EN, R-I book, line 113, Ship Contract Design, PE0604567N/Project 1803.
- g. OMN, 1B2B, DDG Modernization, 0702228N.
- h. OMN, 1B5B, DDG Modernization, 0204222N.

Schedule

Under the Navy's plan, the oldest cruisers and destroyers are to be modernized first, followed by progressively younger ships. In general, the Navy wants to divide the modernization work for each ship into two shipyard periods—one for HM&E work, the other for combat system work. An exception was the first cruiser to be modernized (Bunker Hill [CG-52]), which received a combined HM&E and combat system modernization that began in February 2008 and was completed in February 2009. The Navy states that the ship's modernization was completed on time and within budget. The Navy plans to deliver two more fully modernized cruisers in FY2009

and FY2010, one more in FY2011, and three per year starting in FY2012, until all 22 cruisers are modernized.⁸

The Navy wants each destroyer to receive its combat system modernization two years after its HM&E modernization. The Navy wants to begin the first two destroyer HM&E modernizations in FY2010, three more in FY2011, and two more in FY2012. The Navy wants to begin the first destroyer combat system modernization in FY2012.⁹

Shipyards Performing The Work

The Navy plans to use competitively awarded MSMO contracts for executing the Aegis modernizations. Under the Navy's plan, all U.S. shipyards would be eligible to compete for the contracts. Navy policy calls for modernizations lasting longer than six months to be competed on a coast-wide basis, meaning that competitions would be open to all yards located along the same coast where the Aegis ships in question are homeported.

Potential Issues for Congress

Cost Impact of BMD Addition

One potential oversight issue for Congress concerns cost impact of the Navy's decision in 2008 to expand the scope of the DDG-51 modernization program to include the installation of a BMD capability on every DDG-51 being modernized. How did this decision affect the total estimated cost of the Aegis modernization program? Was funding for other Navy programs reduced to finance this decision, and if so, how were these other programs affected by the funding reduction?

Overall Vision Behind Program¹⁰

Some industry sources have questioned the Navy's logic behind the Aegis ship modernization program, arguing that the Navy lacks a sufficiently thought-through overall vision—a desired end point—for the surface combatant force, and that in the absence of such a vision, the Navy is planning to spend money on Aegis ship modernizations in a scattershot manner, without knowing whether this will lead to the best possible future surface fleet for the Navy. These sources argue that, before spending money on Aegis ship modernizations, the Navy should develop a more fully considered overall vision for the future of the surface fleet that looks at the surface force and the Navy as a whole as parts of a larger network of defense capabilities involving other U.S. military forces. One potential alternative to the Navy's plan would be to forego some or all of the Aegis ship modernizations, accelerate the planned procurement of new cruisers and destroyers, and replace the unmodernized Aegis ships with the accelerated replacement ships.¹¹

⁸ Navy briefing to CRS and Congressional Budget Office (CBO) on cruiser modernization program, June 10, 2009.

⁹ Navy briefing to CRS and Congressional Budget Office (CBO) on cruiser modernization program, June 10, 2009.

¹⁰ This issue, and most of the subsequent potential issues for Congress, are based in part on CRS interviews conducted in January 2007 with several major defense firms that have an interest in the Aegis ship modernization program.

¹¹ The Navy plans to replace the 22 CG-47s with 19 CG(X) cruisers to be procured between FY2011 and FY2023, and the 62 DDG-51s with a comparable number of DDG(X) destroyers, the first of which would be procured in FY2023. (continued...)

Shipyards For DDG-51 Modernizations

Some industry sources propose allocating all the DDG-51 modernizations to GD/BIW and NGSB, with each firm receiving one-half of the ships. These sources argue that this would reduce the cost of the DDG-51 modernizations by permitting the two firms to achieve sustained learning-curve benefits in the program, and also support the shipbuilding industrial base by providing additional work to the two yards that have built all Navy cruisers and destroyers procured in recent years. Competitive pressure on GD/BIW and NGSB, these industry sources argue, can be maintained by using Profit Related to Offer (PRO) bidding, under which the two yards would bid prices for performing the modernizations allocated to them, with the lower bid winning a higher profit margin.

Scope of DDG-51 Modernizations

Some industry sources have suggested expanding the scope of the DDG-51 modernizations in various ways to further increase the ships' capabilities or further reduce their crew sizes and operating costs. One proposal would add some electric-drive propulsion equipment to the ships' existing mechanical-drive propulsion systems to more fully interconnect the mechanical-drive components, which could reduce the ships' fuel use and create other operational advantages.¹²

Service Life Extension to 40 Years

Another potential option for the Aegis ship modernization program would be to expand its scope to include work that would be needed to extend the service lives of the Aegis ships from 35 years to a higher number, such as 40 years. Extending the Aegis ships' service lives to 40 years could permit the Navy to maintain higher numbers of cruisers and destroyers in future years. The Navy's report on its FY2009 30-year shipbuilding plan, submitted to Congress in early February 2008, incorporates a new assumption that the service lives of all 62 Aegis destroyers will be extended from 35 years to 40 years.¹³ Subsequent to the submission of this report, however, a Navy official was quoted as stating that the Navy had not yet officially approved the idea of extending the service lives of those ships.¹⁴

Aegis Open Architecture

Some observers have expressed concerns about the Navy's plan for moving to an open architecture (OA) on the Aegis system, arguing that it will not shift the Aegis ships to a truly open architecture, or do so quickly enough.¹⁵ For firms that make Navy surface ship combat systems,

(...continued)

The DDG(X) is not to be confused with DD(X), the prior name of the DDG-1000 destroyer (which is not intended as a replacement for either the CG-47s or the DDG-51s). For more on the CG(X) program, see CRS Report RL34179, *Navy CG(X) Cruiser Program: Background, Oversight Issues, and Options for Congress*, by Ronald O'Rourke.

¹² For more on this proposal, see CRS Report RL33360, *Navy Ship Propulsion Technologies: Options for Reducing Oil Use—Background for Congress*, by Ronald O'Rourke.

¹³ U.S. Navy, *Report to Congress on Annual Long-Range Plan for Construction of Naval Vessels for FY 2009*, p. 9.

¹⁴ Zachary M. Peterson, "Destroyer Extension Part of 313-Ship Plan," *NavyTimes.com*, February 11, 2008.

¹⁵ See, for example, Dan Taylor, "Roughead: Navy Could Be Implementing Open Architecture Faster," *Inside the* (continued...)

or parts of them, the issue of how to implement open architecture on Aegis ships and other Navy surface ships has potentially very large business implications. Potential candidates for the basis of an eventual common open-architecture combat system for Navy surface ships include (but are not necessarily limited to) a modularized version of Lockheed's Aegis system, Raytheon's Total Ship Computing Environment Infrastructure, or TSCEI (the core of the combat system being developed for the DDG-1000 destroyers), and the Core Mission System developed by General Dynamics and Northrop for the General Dynamics version of the LCS. The Senate Armed Services Committee's report on the FY2008 defense authorization bill directed the Navy to report to Congress quarterly on the Navy's plan and progress in implementing OA.¹⁶ The Navy submitted the first such report in February 2008; subsequent reports have followed at three-month intervals.

On September 22, 2008, Raytheon filed a protest with the Government Accountability Office (GAO) for lack of competition in the Navy's plan to award a sole-source contract to Lockheed for modernizing the Aegis combat systems on the fleet's cruisers and destroyers.¹⁷ On December 22, 2008, GAO denied Raytheon's protest.¹⁸

Legislative Activity for FY2010

FY2010 Defense Authorization Act (H.R. 2647/P.L. 111-84)

House

The House Armed Services Committee, in its report (H.Rept. 111-166 of June 18, 2009) on H.R. 2647, recommends approving the Navy's FY2010 request for \$315.3 million in OPN funding for Aegis cruiser modernization and \$142.3 million in OPN funding for Aegis destroyer modernization (page 77, lines 015 and 006, respectively).

Senate

Division D of the FY2010 defense authorization bill (S. 1390) as reported by the Senate Armed Services Committee (S.Rept. 111-35 of July 2, 2009) presents the detailed line-item funding

(...continued)

Navy, September 29, 2008. See also Dan Taylor, "Report: All Cruisers, Destroyers To Have Open Architecture by 2025," *Inside the Navy*, September 8, 2005; and Geoff Fein, "Navy OA Report To Congress Shows Service Making Gains Across The Enterprise," *Defense Daily*, September 5, 2008.

¹⁶ S.Rept. 110-77 of June 5, 2007 on S. 1547, pp. 272-273.

¹⁷ August Cole, "Raytheon Files Protest On Aegis Work," *Wall Street Journal*, September 24, 2008: B3; Geoff Fein, "As A Measure if Last Resort, Raytheon Files Protest Over Lack of Aegis Competition," *Defense Daily*, September 25, 2008: 2-3; Rebekah Gordon, "Raytheon Protests Sole-Source Award For Aegis Modernization," *Inside the Navy*, September 29, 2008.

¹⁸ Zachary M. Peterson, with additional reporting by Rebekah Gordon, "GAO Denies Raytheon Protest of Aegis Contract Awards to Lockheed," *DefenseAlert—Daily News (InsideDefense.com)*, December 24, 2008; Bettina H. Chavanne, "Raytheon Loses Protest Bid On Aegis Modernization Contract," *Aerospace Daily & Defense Report*, January 6, 2009: 6; Geoff Fein, "Navy's Decision To Sole-Source Aegis Work Was 'Unobjectionable,' GAO Says," *Defense Daily*, January 12, 2009: 6.

tables that in previous years have been included in the Senate Armed Services Committee's report on the defense authorization bill. Division D recommends approving the Navy's FY2010 request for \$315.3 million in OPN funding for Aegis cruiser modernization and \$142.3 million in OPN funding for Aegis destroyer modernization (page 621, line 015, and page 620, line 006, of the printed bill, respectively).

The committee's report states:

The budget request included \$11.4 million in Other Procurement, Navy (OPN), for firefighting equipment, but included no funding to expand the application of "smart valves" for firefighting systems to support the DDG-51 modernization program.

The Navy developed smart valve technology as part of the DDG-1000 autonomic fire suppression system (AFSS). These systems support reducing crew sizes because they can automatically reconfigure a ship's firefighting system to route around damaged sections of piping without human intervention.

The current DDG-51 modernization program is upgrading various systems on the DDGs, including the hull, mechanical and electrical systems. If the Navy were to make appropriate engineering changes, this smart valve technology could be backfit to the DDG-51 during this modernization period, and provide the opportunity to reduce crew sizes.

Therefore, the committee recommends an increase of \$4.0 million in OPN for expanding the application of smart valve technology. (Page 23 of the report; see also page 620, line 007 of the printed bill)

Conference

The conference report (H.Rept. 111-288 of October 7, 2009) on H.R. 2647/P.L. 111-84 of October 28, 2009, authorizes the Navy's FY2010 request for \$315.3 million in OPN funding for Aegis cruiser modernization and \$142.3 million in OPN funding for Aegis destroyer modernization (page 940, lines 015 and 006, respectively).

H.R. 2647 includes two sections—Section 125 and Section 1021—that have provisions relating to open architecture for Navy ship combat systems.

Section 125 states the following, with provisions relating to open architecture in **bold**:

SEC. 125. PROCUREMENT PROGRAMS FOR FUTURE NAVAL SURFACE COMBATANTS.

(a) **LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORTS ABOUT SURFACE COMBATANT SHIPBUILDING PROGRAMS.**—The Secretary of the Navy may not obligate or expend funds for the construction of, or advanced procurement of materials for, a surface combatant to be constructed after fiscal year 2011 until the Secretary has submitted to Congress each of the following:

(1) An acquisition strategy for such surface combatants that has been approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) Certification that the Joint Requirements Oversight Council—

(A) has been briefed on the acquisition strategy to procure such surface combatants; and

(B) has concurred that such strategy is the best preferred approach to deliver required capabilities to address future threats, as reflected in the latest assessment by the defense intelligence community.

(3) A verification by, and conclusions of, an independent review panel that, in evaluating the program or programs concerned, the Secretary of the Navy considered each of the following:

(A) Modeling and simulation, including war gaming conclusions regarding combat effectiveness for the selected ship platforms as compared to other reasonable alternative approaches.

(B) Assessments of platform operational availability.

(C) Life cycle costs, including vessel manning levels, to accomplish missions.

(D) The differences in cost and schedule arising from the need to accommodate new sensors and weapons in surface combatants to be constructed after fiscal year 2011 to counter the future threats referred to in paragraph (2), when compared with the cost and schedule arising from the need to accommodate sensors and weapons on surface combatants as contemplated by the 2009 shipbuilding plan for the vessels concerned.

(4) The conclusions of a joint review by the Secretary of the Navy and the Director of the Missile Defense Agency setting forth additional requirements for investment in Aegis ballistic missile defense beyond the number of DDG-51 and CG-47 vessels planned to be equipped for this mission area in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) FUTURE SURFACE COMBATANT ACQUISITION STRATEGY.—Not later than the date upon which the President submits to Congress the budget for fiscal year 2012 (as so submitted), the Secretary of the Navy shall submit to the congressional defense committees an update to the open architecture report to Congress that reflects the Navy's combat systems acquisition plans for the surface combatants to be procured in fiscal year 2012 and fiscal years thereafter.

(c) **NAVAL SURFACE FIRE SUPPORT.**—Not later than 120 days after the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees an update to the March 2006 Report to Congress on Naval Surface Fire Support. The update shall identify how the Department of Defense intends to address any shortfalls between required naval surface fire support capability and the plan of the Navy to provide that capability. The update shall include addenda by the Chief of Naval Operations and Commandant of the Marine Corps, as was the case in the 2006 report.

(d) **TECHNOLOGY ROADMAP FOR FUTURE SURFACE COMBATANTS AND FLEET MODERNIZATION.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall develop a plan to incorporate into surface combatants constructed after 2011, and into fleet modernization programs, the technologies developed for the DDG-1000 destroyer and the DDG-51 and CG-47 Aegis ships, including technologies and systems designed to achieve significant manpower savings.

(2) **SCOPE OF PLAN.**—The plan required by paragraph (1) shall include sufficient detail for systems and subsystems to ensure that the plan—

(A) avoids redundant development for common functions;

(B) reflects implementation of Navy plans for achieving an open architecture for all naval surface combat systems; and

(C) fosters competition.

(e) DEFINITIONS.—In this section:

(1) The term “2009 shipbuilding plan” means the 30-year shipbuilding plan submitted to Congress pursuant to section 231, title 10, United States Code, together with the budget of the President for fiscal year 2009 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(2) The term “surface combatant” means a cruiser, a destroyer, or any naval vessel, excluding Littoral Combat Ships, under a program currently designated as a future surface combatant program.

Section 1021 states the following, with provisions relating to open architecture in **bold**:

SEC. 1021. SENSE OF CONGRESS ON THE MAINTENANCE OF A 313-SHIP NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of the Navy has a stated requirement for a 313-ship fleet.

(2) The Navy can better meet this requirement—

(A) by procuring sufficient numbers of new ships; and

(B) by ensuring the sound material condition of existing ships that will enable the Navy to utilize them for their full planned service lives.

(3) When procuring new classes of ships, the Navy must exercise greater caution than it has exhibited to date in proceeding from one stage of the acquisition cycle to the next before a ship program has achieved a level of maturity that significantly lowers the risk of cost growth and schedule slippage.

(4) In retaining existing assets, the Navy can do a much better job of achieving the full planned service lives of ships and extending the service lives of certain ships so as to keep their unique capabilities in the fleet while the Navy takes the time necessary to develop and field next-generation capabilities under a low risk program.

(5) The Navy can undertake certain development approaches that can help the Navy control the total costs of ownership of a ship or class of ships, including emphasizing common hull designs, open architecture combat systems, and other common ship systems in order to achieve efficiency in acquiring and supporting various classes of ships.

(6) The Navy needs to continue its efforts toward achieving an open architecture for existing combat systems, as this will have great benefit in reducing the costs and risks of fielding new classes of ships, and will yield recurring savings from reducing the costs of buying later ships in a program and reducing life cycle support costs for ships and classes of ships.

(7) The Navy can also undertake other measures to acquire new ships and maintain the current fleet with greater efficiency, including—

(A) greater use of fixed-price contracts;

(B) maximizing competition (or the option of competition) throughout the life cycle of its ships;

(C) entering into multi-year contracts when warranted; and

(D) employing an incremental approach to developing new technologies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Navy should meet its requirement for a 313-ship fleet until such time that modifications to the Navy's ship fleet force structure are warranted, and the Secretary of the Navy provides Congress with a justification of any proposed modifications, supported by rigorous and sufficient warfighting analysis;

(2) the Navy should take greater care to achieve the full planned service life of existing ships and reduce the incidence of early ship decommissioning;

(3) the Navy should exercise greater restraint on the acquisition process for ships in order to achieve on-time, on-cost shipbuilding programs; and

(4) Congress should support the Navy when it is acting responsibly to undertake measures that can help the Navy achieve the requirement for a 313-ship fleet and maintain a fleet that is adequate to meet the national security needs of the United States.

FY2010 DOD Appropriations Act (H.R. 3326/P.L. 111-118)

House

The House Appropriations Committee, in its report (H.Rept. 111-230 of July 24, 2009) on H.R. 3326, recommends reducing by \$1.2 million the Navy's FY2010 request for \$315.3 million in OPN funding for Aegis cruiser modernization for "Properly price SPQ-9B radar," and recommends reducing by \$30.9 million the Navy's FY2010 request for \$142.3 million in OPN funding for Aegis destroyer modernization for "Modernization equipment ahead of need" (page 173, lines 015 and 006, respectively).

Senate

The Senate Appropriations Committee, in its report (S.Rept. 111-74 of September 10, 2009) on H.R. 3326, recommends approving the Navy's FY2010 request for \$315.3 million in OPN funding for Aegis cruiser modernization, and recommends increasing by \$3.1 million the Navy's FY2010 request for \$142.3 million in OPN funding for Aegis destroyer modernization for "Smart Valve Automatic Fire Suppression System" (page 115, line 015, and page 122, line 006, respectively).

Final Version

In lieu of a conference report, the House Appropriations Committee on December 15, 2009, released an explanatory statement on a final version of H.R. 3326. This version was passed by the House on December 16, 2009, and by the Senate on December 19, 2009, and signed into law on December 19, 2009, as P.L. 111-118. The explanatory statement states on page 1 that it “is an explanation of the effects of Division A [of H.R. 3326], which makes appropriations for the Department of Defense for fiscal year 2010. As provided in Section 8124 of the consolidated bill, this explanatory statement shall have the same effect with respect to the allocation of funds and the implementation of this as if it were a joint explanatory statement of a committee of the conference.”

The explanatory statement reduces by \$1.2 million the Navy’s FY2010 request for \$315.3 million in OPN funding for Aegis cruiser modernization for “Properly price SPQ-SB radar equipment,” and increases by \$2.5 million the Navy’s FY2010 request for \$142.3 million in OPN funding for Aegis destroyer modernization for “Smart Valve Automatic Fire Suppression System” (page 177, lines 15 and 6, respectively).

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